

## **Public Hearing Set to Discuss Changes to Chapter 61.2(2)“h” (Regional Permit 7)**

The Department is hosting a public meeting to discuss the changes to Chapter 61.2(2)“h” regarding the U.S. Army Corps of Engineers (Corps) revised Regional Permit 7. The Corps re-issues these permits every 5 years. A public hearing will be held at the Wallace State Office Building, 502 E. 9<sup>th</sup> Street, Des Moines, IA on August 19, 2008 at 1 PM in the 5<sup>th</sup> Floor East Conference Room.

Regional Permit 7 (RP 7) authorizes fill material placed in waters of the United States for bridge or road crossings. RP 7 was initially issued in 1979 and has been re-issued in 1985, 1989, 1995, 1999, and 2002. This permit is used for Iowa Department of Transportation (IDOT) as well as for Iowa County and City Engineers’ bridge or road crossing projects. Since this permit has been granted Section 401 Water Quality Certification in the past, the only change to Chapter 61 will be the effective date of the rule change.

The Corps issued a public notice for the re-issuance of RP 7 with some modifications on February 4, 2008 and it expired on March 4, 2008. The Corps received no comments from the Environmental Protection Agency, the U.S. Fish and Wildlife Service, or from the public. Several Indian Tribes provided comments stating they had no objections to the re-issuance of this RP, but requested that the Corps condition the RP so that construction authorized under this RP immediately stop if any items falling under the Native American Graves Protection and Repatriation Act are discovered. If such items are discovered, the Tribes will be notified for further consultation.

RP 7 was revised to be not only easier to understand but also contain more of the standard conditions that would be found in an individual permit for a bridge or road crossing project to protect the aquatic environment (e.g., the type of material that can be used as a temporary crossing, that wetland mitigation must be provided for any project impacting more than 0.10 acre of wetland, etc.) The revised RP 7 will allow the placement of 1,000 cubic yards of material to be “placed below the plane of ordinary high water or in wetland areas”. The former RP 7 only allowed 500 cubic yards.

Comments regarding the certification of Regional Permit 7 must be sent to Chris Schwake by August 19, 2008. To view the February 4, 2008 Public Notice the Corps issued for the re-issuance of Regional Permit 7, please go to:

[http://iowadnr.com/water/section401/rule\\_changes.html](http://iowadnr.com/water/section401/rule_changes.html) or contact Chris Schwake at 515-281-6615, 502 E. 9<sup>th</sup> Street, Des Moines, IA 50319-0034, or at [Christine.schwake@dnr.iowa.gov](mailto:Christine.schwake@dnr.iowa.gov).